

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ELTON HARPER

PLAINTIFF

v.

No. 4:21CV94-SA-RP

CIRCUIT COURT OF WASHINGTON CO., ET AL.

DEFENDANTS

ORDER OF DISMISSAL

The court takes up, *sua sponte*, the dismissal of this cause. On August 13, 2021, the court entered an order requiring the plaintiff – within 21 days – to either withdraw the petition in this case – or to amend it to include all *habeas corpus* claims he believes he has. The deadline to inform the court of his choice expired on September 3, 2021, and the plaintiff has taken neither action. As the court cannot proceed with this case until the plaintiff chooses, the case is **DISMISSED** without prejudice for failure to prosecute and failure to comply with an order of the court under FED. R. CIV. P. 41(b).

SO ORDERED, this, the 6th day of October, 2021.

/s/ Sharion Aycock
U. S. DISTRICT JUDGE